



PLANNING COMMISSION STAFF REPORT APRIL 27, 2006

Project:	LIBERTY RETAIL (PLN2005-00323)
Proposal:	To consider a Planned District Minor Amendment application for Site Plan and Architectural Review for a new 16,029 square foot commercial/retail shell building.
Recommendation:	Approve project based on findings enumerated in the staff report and attached conditions of approval.
Location:	Northwest corner of Liberty Street and Stevenson Boulevard in the Central Planning Area. APN525-164701900 (See aerial photo next page)
Area:	16,029 square foot commercial/retail building on a 4.33-acre lot
People:	Habitec Architects, Applicant Luke Bolinger, Agent of Applicant Shapell Industries, Owner Scott Plambaeck, Staff Planner (510) 494-4437 splambaeck@ci.fremont.ca.us
Environmental Review:	A Mitigated Negative Declaration has been prepared and circulated for this project.
General Plan:	Existing: Central Business District
Zoning:	Existing: Planned District, P-80-13

EXECUTIVE SUMMARY:

A proposed Planned District Minor Amendment for Site Plan and Architectural Review for a proposed 16,029 sq. ft. commercial building at the corner of Liberty Street and Stevenson Boulevard. The project is proposed on a vacant 23,000 sq. ft. building pad of a 4.33-acre site. The project proposes nine suites with proposed office space, retail space, and three restaurant spaces of up to 7112 square feet. The project proposes a large interior plazas and two small outdoor patios along the street. The Planned District allows a retail building at the corner of Stevenson and Liberty. The Planned District requires the Planning Commission to approve proposed new buildings for the Planned District. Staff finds that the project meets the standards listed in the Planned District and recommends approval of the project, based on the findings and conditions.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.

SURROUNDING LAND USES:

North:	Office/Medical Buildings
South:	Medium-Density Residential
East:	Medium-Density Residential
West:	Medium-Density Residential/Office

BACKGROUND AND PREVIOUS ACTIONS:

The original plan district for the site was approved by the City Council in 1980. The Site was subject to a Planned District Major Amendment in 1999, which included approval for a six-story office building at the corner of Liberty and Kearney, a three-story parking garage and approval of 14,770 sq. ft. commercial building at the corner of Stevenson and Liberty. The applicant never constructed the proposed six-story building and parking garage. The proposed architecture and site design of the project is different than the 1999 approval, therefore the Planning Commission need to approve the new architecture and site design. In 2005, the Planning Commission approved a Planned District Minor Amendment for the operation of a charter school in the existing one-story office building on the corner of Liberty and Kearney (Building A on the site plan).

PROJECT DESCRIPTION:

The applicant is seeking a Planned District Minor Amendment for approval of Site Plan and Architectural Review for a single-story 16,029 sq. ft. commercial building. The applicant proposes a structure with nine suites with proposed office space, retail space, and three restaurant spaces of up to 7112 sq. ft. The building is proposed to be constructed at the northeast corner of Stevenson and Liberty on a vacant pad site of approximately 23,000 sq. ft. The project proposes a large interior plaza and two small patio/sitting areas along the project frontage. The parking lot will be extended on the north side of the building to include twelve additional parking spaces. The project will include landscaping improvements, a new trash enclosure, and two water features in the interior plaza area,

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Central Business District. The General Plan intends the CBD to be a high intensity, pedestrian oriented office, medical, civic, entertainment, and business nucleus. The proposed project is consistent with the existing General Plan land use designation for the project site because the project proposes uses that meet the requirements of the General Plan. In addition, the design of the project meets the requirements of the General Plan. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Fundamental Goal F-5: A vibrant, well-defined, visually distinctive Central Business District as the focus of the City's governmental, cultural, and commercial activity.

Analysis: The project is located at an important gateway into the CBD. The design of the project is distinctive and provides a variety of commercial opportunities as well as an attractive gathering place for both workers of the CBD and nearby residents.

Policy LU 2.7: Site design and building development in the CBD shall be oriented towards pedestrians and transit. To maintain an active pedestrian environment, building oriented towards streets, sidewalks or public plazas shall be strongly encouraged at the ground level. Building orientation, setbacks, parking locating and building design shall be evaluated for how each element encourages continuity between development.

Analysis: The project will have two patio/dining areas facing the streets to encourage outdoor dining, an active pedestrian environment, and a generous plaza area on the parking lot side of the building. The building is designed with paths that lead from the public sidewalk to the plaza on the parking lot side of the building. The modern design of the building is compatible to the existing architecture of the Planned District.

Policy LU 2.8 & 2.9: Policy LU 2.8 states “CBD” development shall provide safe, convenient and continuous pedestrian walkways linking building entrances to street sidewalks...” Policy LU 2.9 public open spaces and plazas shall be strongly encouraged throughout the CBD. Such areas should be visible and accessible from public walkways and be appropriately landscaped with opportunities offered for sitting.

Analysis: The project will provide linkages from the sidewalk along Liberty and Stevenson to the project via two patios along the project frontage and walkways from the sidewalk to the plaza on the parking lot side of the project. The project provides two small patio/sitting areas along the street frontage and a larger plaza with sitting opportunities in the interior of the project.

Policy LU 2.10: Encourage publicly visible art works in private development and in public spaces.

Analysis: The project will provide two granite and tempered glass water fountains in the interior plaza area.

Central Business District Concept Plan Conformance:

The project is located within subdistrict 5 of the CBD Concept Plan. The uses identified in subdistrict 5 are office and other uses. In this area, small-scale retail uses under 10,000 square feet are allowed. The project proposes is in compliance with the uses listed for the subdistrict of the CBD Concept Plan because the project is proposing a building that will accommodate office, retail, and restaurant uses in retail spaces under 10,000 square feet.

The CBD Concept Plan requires parking behind buildings or next to buildings, and requires a landscape buffer of at least 7 feet between the parking and the public right-of-way. The additional parking is located next to the building and the project will provide an 8-foot buffer between the parking and public right-of-way.

The CBD Concept Plan encourages articulated store fronts, buildings with high degree of visual transparency, encourages well-detailed buildings with a consistent architecture and vocabulary encouraging three dimensional detailing such as cornices, window moldings, and reveals to cast shadows and create visual interest on the façade. The project will provide articulated storefronts such as aluminum awnings, cornices at the rooftop of the buildings, tile at the top of the buildings stone at the base of the building. The building will have large, clear windows on both the street frontage and the parking lot frontage. Staff finds that the design of the project meets the requirements of the CBD Concept Plan.

Zoning Regulations:

The existing zoning of the proposed project is P-80-13 Planned District. The planned district allows uses permitted in the C-B-D zoning district. In 1999, the Planned District was update and as part of the update, uses such as restaurants, offices, and other retails uses were approved for the building on the corner. The project proposes retail, office, and restaurant uses, so the uses are in conformance with the Planned District and zoning district.

Parking:

Including the proposed project, the Planned District will provide 486 parking spaces for 125,834 square feet of building space. Including the proposed project, only 428 parking spaces will be required, thus the Planned District will have sufficient parking for the project. See calculation in the table below. The calculation assumes an office use for the 31,325 sq. ft. building at the corner of Liberty and Kearny. This building is currently being used by the FAME Charter School, and requires only 65 parking spaces, while if occupied by office use the building would require 104 parking spaces.

Proposed 2006 PD Parking Requirements*			
Use	Size (Sq. Ft.)	Parking Requirement	Required parking
Office/Retail	118,722		396
Restaurant	7,112		71
Total	125,834		428

*Excluding FAME Charter School

In 1999 the Planned District (PD) was amended to allow a 14,770 sq. ft. office/retail building at the site of the proposed 16,029 sq. ft. Since that building was going to be constructed for office/retail use, and the applicant was unsure how space would be dedicated for restaurant space, the required parking for the building was calculated at a ratio of one space for 300 square feet of floor area, for a total of 49 spaces. The proposed 16,029 sq. ft. building will have 7,112 sq. ft. of restaurant use and 8,917 sq. ft. of retail use, which will require 101 total spaces. This will lead to an increase in parking of 52 spaces.

A six-story, 150,320 sq. ft. building and three-story parking structure was approved as part of the 1999 PD amendment. The 1999 PD amendment required a total of 811 parking spaces, but only 773 spaces were going to be provided. As part of that approval, a finding was approved reducing the parking for the site by 43 spaces. If the six-story building is constructed, the site would be short a total of 95 spaces (43 spaces plus the 52 spaces needed for the 16,029 sq. ft. building). In order to construct the 6-story building, one of the following would need to be done:

1. An approval for a finding to further reduce the required parking for the entire Planned District from 43 spaces to 95 spaces.
2. Reduce the square footage of the 6-story building.
3. Provide additional parking in the proposed parking structure.

Staff recommends as a condition of approval, the owner pursue one of the above options prior to construction of the six-story building.

Design Analysis:

Site Planning:

The proposed building will be constructed on the last vacant pad of the Planned District at the corner of Stevenson Boulevard and Liberty Street. The existing Planned District contains two single story office buildings and a four-story office building. Virtually all the parking improvements for the planned district are in place. The project will provide twelve additional parking spaces adjacent to the north side of the building. The proposed building is across the street from two multi-family developments. The project will provide a transition from the residential uses across the street to the office uses in the Planned District.

The project wraps around the corner and provides direct access to restaurant units from the sidewalks to a patio/outdoor seating area at the corner of Stevenson and Liberty. In addition, the will provide direct access from the sidewalk to the proposed restaurant unit at the east end of the building along Stevenson via a patio/outdoor seating area. Two pedestrian links from at the both ends of the building are provided from the sidewalk, around the building to the interior courtyard. The interior courtyard will have color panels and bands, places to sit, two water features, and landscaping. The entrances for all the units will be on the interior courtyard side. The building will be connected to the four-story office building (Building C) within the Planned District by a pre-existing walkway.

Architecture:

The architecture for the proposed building is a modern style building with cement plaster material accented by tile near the top of the building, cornice at the parapet of the building, and taupe stone at the base. The center of the building is emphasized with a small outdoor patio area along the street frontage. The focal point of the building is the round element, which anchors the corner of Liberty and Stevenson. The project provides aluminum awnings, metal tube braces, metal handrails, and large clear windows, which accentuates the modern style of the building. A parapet roof is proposed to hide the roof equipment.

Open Space/Landscaping:

The project will incorporate much of the pre-existing landscaping, such as the landscape buffer in front of the building. The project proposes to remove several small trees along the project frontage and in the new parking lot area, but will incorporate additional trees and landscaping into the project. The project proposes several new trees in the front patio areas and interior plaza area, as well as in the new parking area. Additional bushes and groundcover plants will be added into the project area, including Indian Hawthorne to screen the new parking area. The applicant is incorporating additional landscape planters with trees into the existing parking lot. Street trees along the project frontage will be trimmed or replaced as appropriate. The sidewalks will be repaired by the applicant where appropriate.

View Impacts:

The project is not expected to impact any scenic vistas, since the project site is not identified as a scenic vista in the General Plan nor adjacent to uses considered scenic vistas. The project is designed to blend with the existing built environment. The site is surrounded by existing street trees that soften the visual impact of the building for adjacent properties. The proposed additional parking will be screened by landscaping.

Circulation:

The City of Fremont Engineering Division estimates that the project will produce approximately 43 trips during the weekday P.M. peak. The number of trips estimated falls within the number of trips estimated for the entire Planned District. The traffic model for the 1991 General Plan Update anticipated traffic based on the development intensity approved with the 1980 Planned District and as amended in 1982, which called for 410,214 square feet of development in the area now planned for an overall of 288,770 square feet. Therefore, the project will not impact traffic.

The project will use the existing driveway cuts, parking lot, and parking spaces. The project will provide 12 additional parking spaces on the north side of the project that will connect with the existing parking lot of the planned district. The project will incorporate paths from the new parking lot to the project and pedestrian links from the sidewalk to the interior plaza. The project is linked to the four-story office by an existing pedestrian walkway.

Grading & Drainage:

The project is expected to grade less than 100 cubic yards, therefore a grading permit is not required. The applicant will need to comply with the Alameda Countywide Clean Water Program permit requirements. The applicant will work with staff during the Development Organization process to ensure the project meets Alameda Countywide Clean Water Program and the National Pollutant Discharge Elimination permit (NPDES).

Applicable Fees:

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities, and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to short term air quality and cultural resources. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. In brief, the mitigation measures relate to dust suppression measures during construction and requirements should human remains or archeological resources be found. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an informational item.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 564 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on April 14, 2006. A Public Hearing Notice was published by The Argus on April 13, 2006.

ENCLOSURES:

Exhibits:

Exhibit "A"	Architectural, Site, and Landscape Plans
Exhibit "B"	Findings and Conditions of Approval
Exhibit "C"	Color Board
Exhibit "D"	Mitigated Negative Declaration and Mitigation Monitoring Plan

Informational Items:

1. Initial Study

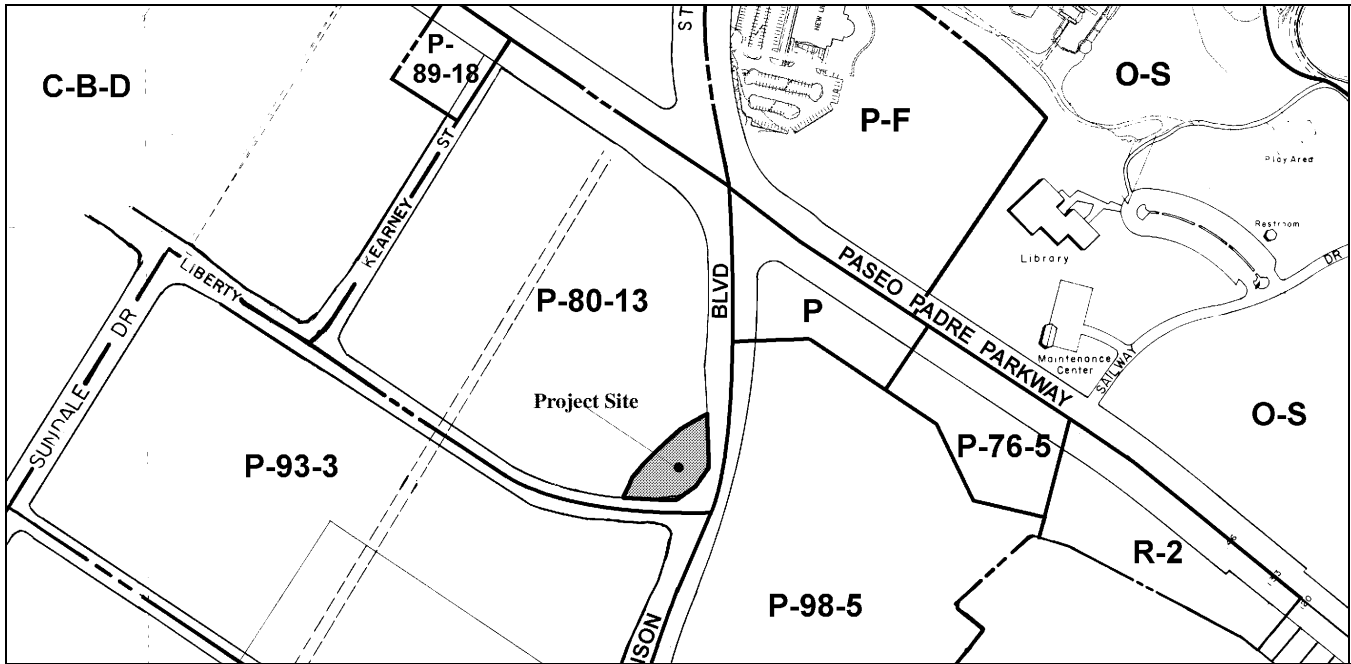
Supplemental Hearing Materials:

2. Additional Color and Material Boards and Tile sample

RECOMMENDATION:

1. Hold public hearing.
2. Find the initial study has evaluated the potential for this project to cause an adverse effect either individually or cumulatively on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Adopt Mitigated Negative Declaration and Mitigation Monitoring Plan and recommended the use of Certificate of Fee Exemption and find these actions reflect the independent judgment of the City of Fremont.
4. Find PLN2005-00323 as per Exhibit "A" is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Fundamental Goals and Land Use Chapter as enumerated within the staff report. The project conforms to the goals and objectives of the Central Business District Concept Plan.
5. Approve PLN2005-00323 (Liberty Retail Building) as shown on Exhibit "A" and Exhibit "C", subject to findings and conditions on Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan



Exhibit "B"
Findings and Conditions of Approval
For PLN2005-00323 (Liberty Retail)

Findings required for Planned District Minor Amendments:

- A. The proposed modifications proposed by this Planned District Minor Amendment can be substantially completed within four years.
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts. As a separate building within Planned District P-80-13, the proposed project will be operationally independent of, yet compatible with, surrounding uses.
- C. The existing streets and thoroughfares are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside of the planned district. The General Plan anticipates commercial development at this site, therefore the existing street and thoroughfares are designed to carry the anticipated traffic for the project.
- D. Any proposed commercial development can be justified economically at the located proposed to provided for adequate commercial facilities of the types proposed. The project proposes retail, office, and restaurant uses, which will be supported by the users in the adjacent office buildings and the residents near the project.
- E. Any exception from the standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the planning commission and the city council. The project meets the standards of the Planned District, zoning district, and parking ordinance.
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. Existing residential uses south and east of the project are compatible with the proposed retail, restaurant, and office uses for the project. The site is adjacent to office uses and medical office uses that are compatible with the proposed uses in the project.

Conditions of Approval:

- 1. The project shall conform to Exhibit "A", Architecture, Site Plan, Landscape Plan and Exhibit "C" Color Board. The Development Organization shall have authority to make minor changes to the plan.

2. Plans shall be submitted to the Development Organization (DO) for review to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
3. The applicant shall submit the final color and material samples of the project to the Development Organization.
4. The project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities, and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance.
5. If the Planning Director finds evidence that conditions of approval have not been fulfilled the Planning Director may refer the Planned District Minor Amendment to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke Planned District Minor Amendment.
6. Applicant shall repair the sidewalks along the project frontage and trim or replace the street trees as approved by the City Landscape Architect.
7. The applicant shall submit complete landscape plans including botanical names of landscape material and location of the material as part of the DO review. The final landscape plans are subject to approval by the City Landscape Architect.
8. A complete tree survey shall be submitted during DO to be reviewed by the City Landscape Architect. The survey shall include the trees to be preserved and trees to be removed. Removal of trees shall be subject to review and approval of the City Landscape Architect.
9. The applicant shall use *Prunus cerasifera* 'Krauter Vesuvius' trees in the tree planters at the corner of Liberty and Stevenson.
10. Final location of the landscape planters in the existing and new parking lot shall be approved by the DO.
11. Landscaped finished grades within 5 feet of the building shall slope away at a 5% minimum from the foundation per Section 8-4131(f) of the FMC.
12. The applicant shall meet all requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.
13. The applicant shall install a N.F.P.A. 13 fire sprinkler complying with local amendments
14. A separate permit is required for the underground fire service, fire sprinkler, and fire alarm system.

15. The applicant shall provide for approval of a site plan/Civil Utility Plan with the location of public, on-site fire hydrants and Fire Department Connections location(s). Fire hydrant spacing requirement is 30 feet spacing.
16. The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
17. The applicant shall have key box (Knox brand) located outside of the building and provide keys to the Fire Department so they may gain access.
18. Fire Department access roadway shall have a minimum 20 foot unobstructed linear width. These driveways shall be designated as Fire Lanes. Driveways shall meet Fire Department standards for surface type, distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended) The applicant shall indicate on all DO site plans the location of required red curbs, curb lettering and fire lane signs. This project requires all curbs to be red, lettering every 30 feet and signs every 100 feet.
19. The developer will need to install two public fire hydrants one on Liberty St and one on Stevenson. The final location of the fire hydrants shall be reviewed and approved by the DO.
20. Security planting materials are encouraged under vulnerable windows. Low growing scrubs should be used along interior walkways to provide line of sight and eliminate sight obstructions.
21. No trespassing/loitering signs are posted at entrances of parking lots and other pedestrian access points with letter of enforcement on file with the police department.
22. If not already posted, all entrances to parking areas shall be posted with appropriate signs per 22658(a) VC. to assist in the removal of vehicles at the property owners/managers request.
23. Adequate lighting of parking lots, driveways, passageways, recesses, and grounds contiguous to building shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment. It is recommended that exterior lighting be either metal halide or high-pressure sodium. A lighting plan shall be submitted during DO review.
24. Roof top addressing shall be applied in a contrasting color, with a minimum size of 1' by 4'. This numbering not only accelerates a pinpoint response from emergency air support in a critical incident, but it affords a quick mobilization of ground units based on the aerial view of the numbered building.
25. Tamper proof lights shall be installed in all new parking areas.

26. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans shall also include storm water measures for operation and maintenance of the project.
27. The applicant is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
28. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the National Pollutant Discharge Elimination System (NPDES) requirements issued by the State's Water Quality Control Board.
29. The project is required to meet the quantitative performance standards within the permit and is required to treat one of the following amounts of runoff:
 - a. Volume Design Basis: Treat volume of runoff equal to: approximately 85th percentile 24-hour storm event; or 80 percent or more of the annual runoff.
 - b. Flow Design Basis: Treat the flow of runoff resulting from a rain event equal to 0.2 inches per hour.
30. The material and color of the trash enclosure shall match the proposed building and be designed with a cover. Plans for the trash enclosure shall be submitted for DO approval.
31. Since the project will have restaurant uses, the applicant shall demonstrate that the project will have facilities to clean equipment and mats. This shall be submitted to the DO for review and approval.
32. Cleaning of mats and equipment shall only be done in designation areas. The designated areas shall be approved by the DO.
33. Eating place uses shall meet the requirements of Section 8-22140 of the Fremont Municipal Code which requires that any eating place, when located contiguous to or within one-quarter mile of a residential district or area shall have filters and screens installed to reduce the emission of cooking odors and particulates from the food preparation activities, insofar as technically feasible. Technical performance data on proposed odor-control equipment shall be supplied to the development organization for its determination of suitability.
34. No servicing, deliveries, or maintenance shall be done in the public right-of-way.
35. The final location of the benches and outdoor furniture shall be approved by the DO.
36. All rooftop equipment shall be screened from public view.
37. The windows for the project must be clear, non-reflective glass.

38. The fountains shall be constructed as shown on the approved plans.
39. The outdoor dining shall be limited from 7 a.m. to 10 p.m. Sunday thru Thursday, Holidays, and 7 a.m. to 11 p.m. Friday and Saturday.
40. The outdoor dining area shall maintained in a neat, clean, and orderly condition at all times.
41. Applicant shall apply for Planned Signage Program for the building prior to issuance of building permits. The Planned Sign Program shall be approved prior to any occupancy of the building.
42. The project shall comply with dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil, and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage.
43. No known significant historical, paleontological, Native American or archeological resource, site structure or object has been identified either on any of the project sites. There are no known unique ethnic, cultural or religious resources, and therefore, no potential for restrictions. However, if resources are found, during construction, the applicant shall follow the provisions of CEQA Guidelines, Section 15064.5(e) and (f).
44. Prior to construction of the 6-story building and 3-story parking garage the owner shall complete one of the following options:
 - a. An approval for a finding to reduce the required parking from 43 spaces to 95 spaces for the planned district.
 - b. Reduce the size of the 6-story building.
 - c. Provide additional parking in the proposed parking structure.
45. Construction activities shall occur only during the following hours:

Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:

 - a. Monday-Friday, 7 a.m. to 7 p.m.
 - b. Saturday & Holiday, 9 a.m. to 6 p.m.
 - c. Sunday, no construction activity allowed